



*Governor's Office of Planning and Budget  
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## ***Utah Advisory Council on Intergovernmental Relations***

*Commissioner Carol Page, Chair  
Representative James Gowans, First Vice Chair  
Ken Bassett, Vernal City Manager, Second Vice Chair*

*Mark Bedel, Executive Director  
Jamie Jensen, Secretary*

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### **MINUTES February 19, 1999 10:00 a.m. to 12:00 p.m. State Capitol, Room 223**

#### **Members:**

##### **Present**

Commissioner Carol Page, Chair  
Ken Bassett, Vernal City  
Robert Haywood, Dept. of Human Services  
Leah Ann Lamb, DEQ  
Mayor Chesley Christensen, Mt. Pleasant  
John Quick, Dept. of Transportation  
Lou Mueller, City of Blanding  
Linda Hamilton, City of South Ogden  
Dick Melton, Dept of Health  
Marty Ott, Dept. of Natural Resources  
Janice Clemmer, School Board Appointee

##### **Absent**

Senator Millie Peterson  
Representative James Gowans  
Commissioner Gary Herbert  
David Winder, DCED  
Ann Wilcox Hardy, Citizen Appointee  
Representative Marda Dillree  
Senator Peter Knudson  
Representative Chad Bennion

##### **Visitors:**

Wayne Saltzgiver, Governor's Office  
Ray Milliner, GOPB  
John Williams, Southwestern AOG  
Sara McCormick, Center for Public Policy & Admin.  
Brent Gardner, Utah Association of Counties  
Will Jeffries, WFRC  
Mark Walsh, Utah Association of Counties  
David Spatafore, Utah League of Cities and Towns  
Russ Cowley, Six County AOG  
Curtis Dastrup, Uintah Basin AOG

##### **Staff:**

Mark Bedel, GOPB  
Jamie Jensen, GOPB

#### **I. Approval of the December 11, 1998 Minutes**

There was no approval of the December 11, 1998 minutes. A quorum was not present at the meeting. Minutes from the December 11<sup>th</sup> meeting will be approved at the March 26<sup>th</sup> meeting.

#### **II. Approval of the January 15, 1999 Minutes**

A quorum was not present at the meeting, therefore, there was no approval of the January 15, 1999 minutes. Minutes from the January meeting will be approved at the March meeting.

### **III. Status on Appointment of New Council Members**

Welcome to Janice Clemmer, representative for the Utah School Board Association, whose home district is in Salt Lake City. Jan currently serves as the Vice President of the Salt Lake City School Board. This is not yet an official appointment.

Senator Peter Knudson, Representative Chad Bennion, and Representative Karen Morgan have been appointed as new members to the UACIR. Information and calendars have been sent to the new members.

There are still two vacant positions for county officials. Recommendations from the Utah Association of Counties have been sent to the Governor. Appointments have not been made.

### **IV. Supreme Court Decision on Rehearing Regarding Legislators Serving on the Judicial Conduct Commission, Mark Bedel**

In July, the Supreme Court made a decision that the Judicial Court Commission was not imposed legally having legislators on it because they felt it was a violation of the Separation of Powers clause of the State Constitution. There was a request for a rehearing. This case was reheard in January and a new decision was issued by the state supreme court. The new decision essentially overturned the previous decision. It was decided that the Judicial Conduct Commission was not in violation of Separation of Powers. The new decision was based on a lot of information that was received on the rehearing that wasn't available at the first decision.

The new decision and rehearing brought up questions about other boards, councils and commissions as they are composed throughout state law. There are a number of groups that have members of two or more of the three branches of state government on them. Since the UACIR is composed of legislators, local government positions, and executive branch positions, it was felt that this should be brought to the attention of the UACIR group.

The UACIR is an advisory council that does not exercise any functions or powers. We conduct research, have meetings, study and provide advise to the branches of government. This council

### **V. Legislative Update**

#### **David Spatafore, Utah League of Cities and Town**

There are a number of issues that the League is still following and working with very closely. The first bill is HB119, the Quality Growth Act. The League is still supportive of the bill, but there are a few things that must not change in the bill for the League to provide continued support. The League's support is predicated on the fact that the membership of the Quality Growth Commission not change. The percentage of private sector members to local government members. Legislature not use local government revenues in the future as a way of making the League do what they are supposed to do already. The League would like the bill to be an incentive laden bill, not a mandate.

Impact Fees, HB114 is a bill that the League is very concerned about. The League will only agree with those pushing this bill if the enacting clause is more strict. According to the League, government people should be concerned about this bill because currently whenever a city or county passes an ordinance, or when the state passes a law, there is a legal presumption that that law is valid. This bill changes for impact fees only that the presumption shifts. If an ordinance is challenged in court, the presumption shifts to where government has to prove the ordinance valid, rather than those attacking the ordinance prove that it is invalid. That is a big shift, and government workers should be petrified if that precedent gets established. A second factor for this bill is that it requires any entity initializing impact fees, have to go back and put a complete listing of all of your capital facilities now and how they were initially funded.

Other bills that Dave discussed included SB22, SJR6, SB196, SB66, and HB290.

#### **Mark Walsh, Utah Association of Counties**

There are a number of bills that the counties and the Association in particular are interested in. The counties get involved in administering health, substance abuse, aging, and mental health programs on behalf of the state. Of particular concern in this legislative session is the fact that the appropriations committee recently reduced the state's contribution in some of those programs and for the first time in several years began cutting into base budgets. This is a major concern to UAC

because it reduces the ability that local governments have to deliver services. Another item that is a major concern to UAC in this area is that they did not provide for a cost of living adjustment.

Mark expressed concern, on behalf of UAC, for specific bills. HB118 is of major concern to the counties. This is the jail reimbursement and jail contract issue.

Counties are very strongly advocating HB334 which seeks to grant money to the Automated Geographic Reference Center (AGRC).

HB238, the Comprehensive Planning bill, seeks to authorize 250,000 for the purpose of allowing local governments to continue their local comprehensive planning efforts. These efforts have now been done in almost all of the counties in the state of Utah. The amount in this bill has been reduced to 150,000. This bill has passed the house and is on the third reading in the Senate.

### **Brent Gardner, Utah Association of Counties**

Brent briefly discussed quality growth issues, and then commented on a question about fees on airplanes. Brent explained that Senator Hilliard is trying to find a way to get additional funding for small airports. Initially his proposal was to raise the aviation fuel on small aircraft, and eliminate the personal property tax on aircraft. There were some problems. There was opposition from the county assessors on the proposal to remove the personal property tax. Senator Hilliard has come up with a compromise, and continues to spend a lot of time on this bill. This bill has not yet passed the committee.

### **VI. 1999 Intergovernmental Summit Planning**

Tentative dates were discussed for the August 1999 Intergovernmental Summit. Sara McCormick, CPPA will check on facility availability for the possible dates August 13<sup>th</sup> and August 20<sup>th</sup>. The Council would like to come up with a definite Summit date soon. If you have suggestions for a date, please contact Mark Bedel at 538-1571.

Subcommittees for the Summit began to take shape. A sign-up sheet was passed around giving Council members and the public the opportunity to serve on subcommittees for the Summit. Subcommittees will meet an hour before regularly scheduled UACIR meetings, and will report their progress at the meetings. If you are interested in serving on a subcommittee, please contact Jamie Jensen at 538-1566. Additional help is particularly needed on the "Sponsors" subcommittee. You do not need to be a UACIR member to help with the Summit.

Responses from past Summits are being conglomerated and will be presented at a future meeting.

### **VII. Other Business**

Discussion ensued concerning decreased AOG funding. The Council expressed interest in this money, would like to assist lobbyists in their effort to save this money. The Executive Appropriations Committee is the committee that lobbyists need to talk to. AOG's expressed appreciation for any help that the Council will provide.

Orientation for new and existing UACIR members is being considered.

A historical account of the UACIR is being composed by the Staff.

If there is anything that you would like addressed at the next meeting, please contact Mark Bedel at 538-1571.

**The next meeting is a regularly scheduled meeting and will be held on Friday, March 26, 1999, at 10:00 am. The meeting will be held in the State Capitol, Room 223.**